THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23815 OF 2005

Date: 07-11-2005

Between

Y. Venkoba S/o. Thippanna, Member, G.No.1 Dr.Ambedkar Cooperative Joint Farming Society Limited, Adoni, R/o. H.No.24/391. Karvanpeta, Adoni, Kurnool District and others.

...PETITIONERS

AND

Government of A.P. rep by its Secretary, Cooperative Department, Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the impugned proceedings Rc.No.3678/2005-B dated 10.10.2005 issued by the second respondent proposing to conduct the elections to the fifth respondent by show of hands as arbitrary, illegal and violative of Articles 14, 19, and 21 of the Constitution of India and contrary to Rule 22(B) of the Andhra Pradesh Cooperative Societies rules
(for short 'the Rules'), 1964.

The perusal of the impugned proceedings dated 10.10.2005 issued by the second respondent goes to show that by virtue of powers vested in him under Section 31 (2) (b) of the Andhra Pradesh Cooperative Societies Act (for short 'the Act'), 1964 read with Rule

22(2)(b) and 22(B) of the Rules, appointed the Election Officers to conduct elections to the Weaker Section Cooperative Societies shown at table B by Show of Hands and to the Non Agricultural Cooperative Credit Societies the elections to be conducted by Secret Ballot.

Rule 22(B) (a) goes to show that elections to the members of the Committee of Weaker Section Cooperative Societies shall be notified notifying the date, time and place of elections to be held in the premises of the registered office of the society and the voting of the members of the committee of the said societies or societies having a small number of membership shall be done by show of hands at the general meeting convened for election. The said rule applies to the weaker sections cooperative societies as well as societies having small number of membership.

Learned counsel for the petitioners submits that the total members of the fifth respondent society are 870 and it is a big society and not a society having small number of membership. Therefore, there is every necessity to conduct the elections to the fifth respondent society by way of Secret Ballot but not by Show of Hands.

When the Rule itself prescribes that the elections to the Weaker Section Cooperative Societies shall be conducted by Show of Hands and as also the petitioners are not questioning the validity of Rule 22(B)(a) of the Rules, no relief can be granted to the petitioners in this writ petition.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

November 7, 2005

DSK